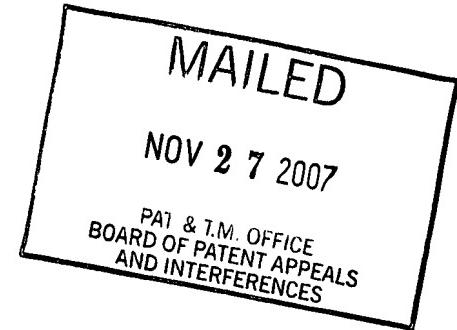


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCOS TERES

Application No. 09/918,688



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 19, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

EXAMINER'S ANSWER

On April 19, 2007, an Examiner's Answer was entered to the record. The examiner stated that "This is in response to the appeal brief filed 8/4/06 appealing from the Office action mailed 3/13/06". However, a review of the file reveals that the

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Appeal Brief was filed on October 10, 2006. Clarification of the Appeal Brief filing date is required.

In addition, on page 4, in the Evidence Relied Upon section, heading (8), the examiner relied on the following references:

Maekawa et al	USPN 5,386,271	1-1995
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Hamilton et al	5,200,958	4-1993
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A review of the file reveals that references Limoti (U.S. Patent No. 5,949,533), and Sawada (U.S. Patent 5,790,916) were used in the application on page 13 as part of the response to arguments section. The Manual of Patent Examining Procedure, in § 1207.02 states:

(8) ***Evidence Relied Upon.*** A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of all references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) to clarify the Appeal Brief filing date;
- 2) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN/dal

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